

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RONALD NEWBY,

Defendant.

CASE NO. 8:08CR216

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 28) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to dismiss (Filing No. 21). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order dismissing the Indictment, arguing that the Defendant was prejudiced by the U.S. Attorney's office's sending of a flyer (Filing No. 26, Ex. 102) to neighbors of the Defendant, Ronald Newby. The flyer states that Mr. Newby was indicted on federal drug charges. Judge Gossett determined that no legal precedent requires dismissal of the Indictment for sending the flyer.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 28) is adopted in its entirety; and

2. The Defendant's motion to dismiss (Filing No. 21) is denied.

DATED this 25th day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge